IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.152 OF 2007
IN
SUIT NO.2485 OF 1999

Smt.Pravina Bipinchandra Gajjar ..Plaintiff.

Vs.

Mrs.Jyotsana Dhairyawan ..Defendant.

And

Shri Anilbhai Bandeali Sundrani ..Applicant.

Mr.Jayesh Bhatt for the Applicant.
Mr.A.H.Yadav fopr the Plaintiff.
Mr.H.Rehman i/b.M/s.D.H.Law Associates for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 10TH JULY, 2007

P.C. :

The Applicant seeks to be impleaded on the ground that he is the successor in-title of the real owner of the suit property.

2. The Plaintiff has filed this suit against the Defendant for a declaration that she is the owner of the suit property and for an injunction restraining the Defendant from interfering with her possession thereof.

3. It appears that the Plaintiff initially based her case on adverse possession. The Plaintiff

submits that she is also entitled to the said property by virtue of a gift deed executed by the deceased grandmother.

4. The Applicant submits that he is entitled to be impleaded as a party Defendant as any decree that may be passed in this suit may affect his rights.

5. I am not at this stage concerned with the rival contentions between the parties and their rights inter-se. That must be decided at the final hearing of the suit or any other proceedings that may be adopted. The Plaintiff has strongly opposed this Chamber Summons inter-alia on the ground that the Applicant has no right in the said property and the documents relied upon by the Applicant are not admissible in evidence. These issues also relate to the merits of the matter on which I am not concerned at this stage.

6. It is true that the Plaintiff is dominus litus. The Applicant is always at liberty to adopt proceedings in accordance with law for the purpose of establishing his rights.

7. It is however clarified that in view of the

opposition of the Plaintiff to the Applicant being impleaded, no orders, interlocutary or final, will affect the Plaintiff in any manner whatsoever. The Plaintiff shall therefore not even seek any relief, interlocutary or final, against the Applicant or reliefs which may affect the Applicant in any manner whatsoever. It is on the basis of this alone that the Chamber Summons is dismissed with liberty to the Applicant to adopt appropriate proceedings.

8. Needless to add that no compromise between the Plaintiff and the Defendant in these circumstances can also affect the Plaintiffs in any manner whatsoever.